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November 3, 2014

VIA ECF AND FACSIMILE

Hon. Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Harvey H. Jay, M.D., v. Spectrum Brands Holdings, Inc., et al.*
No.: 13-cv-8137 (LTS) (DCF)

Dear Judge Swain:

In accordance with Your Honor's direction during the October 22, 2014 Markman Hearing in this matter, the parties have conferred in good faith in an attempt to reach an agreement on the meaning of the phrase "previously treated hair." Despite the parties' efforts, an agreement has not been reached. As a result, the parties will address their respective positions on the proper meaning of that phrase in their Initial Post-Markman Hearing Submissions which are due to be filed no later than November 5, 2014.

Respectfully submitted,

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